



**PLANNING COMMISSION
CITY OF BROOKLYN CENTER
REGULAR MEETING
November 14, 2024**

Optional public access to the Webex meeting is below:

Online: logis.webex.com | Phone: (312) 535-8110

Meeting Number (Access Code): 2630 503 3040

Passcode: BCPC11142024

1. Call to Order — 7 p.m.

2. Roll Call

3. Approval of Agenda

- a. Motion to Approve Regular Meeting Agenda for November 14, 2024

4. Chairperson's Explanation

The Planning Commission is an advisory body. One of the Commission's functions is to hold public hearings. In the matters concerned in these hearings, the Commission makes recommendations to the City Council. The City Council makes all final decisions in these matters.

5. Planning Items

- a. Planning Commission Application No. 2024-012 (**PUBLIC HEARING**)

Applicant | Property Owner: KKMBA Brooklyn Center LLC
Address: 2501 County Road 10, Brooklyn Center, MN 55430

Summary: The Applicant is requesting review and consideration of a major amendment to the Shingle Creek Crossing Planned Unit Development that would allow for "governmental offices" as a permitted use. This request is associated with a proposal for the Social Security Administration to operate a field office in an approximately 12,500-square foot tenant space at 2501 County Road 10.

6. Discussion

- a. City Council Updates
- b. Upcoming Planning Commission Applications and Development Updates

7. Adjournment

Planning Commission Report
Meeting Date: November 14, 2024

- Application Filed: 10/15/2024
- Review Period (60-day) Deadline: 12/14/2024
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2024-012
Applicant: KKMBA Brooklyn Center LLC
Request: Planned Unit Development Amendment (Major)



Map 1. Subject Property Location.

REQUESTED ACTION

KKMBA Brooklyn Center LLC (“the Applicant”) is requesting an amendment to the Shingle Creek Crossing Planned Unit Development (PUD) that would allow for “governmental offices” as a permitted use within the Shingle Creek Crossing shopping center and at 2501 County Road 10 (“the Subject Property”). This request is associated with a proposal for the Social Security Administration to enter into a 15-year lease (with total 30-year renewal) to operate a field office in an approximately 12,500-square-foot tenant space on the Subject Property—refer to Exhibit A. As proposed, the existing 9,000-square-foot Social Security Administration office, which is located less than one (1) mile away at 3280 Northway Drive in Brooklyn Center, would be vacated.

A public hearing notice was published in the Brooklyn Center *Sun Post* on October 31, 2024 (Exhibit B). Notices were also mailed to surrounding property owners per notification requirements, and the notice published to the City website.

BACKGROUND

Site Data

2040 Land Use Plan:	Transit-Oriented Development (TOD)
Neighborhood:	Centennial
Current Zoning:	Planned Unit Development/Commerce (PUD/C2) District

Surrounding Area

Direction	2040 Land Use Plan	Zoning
North	TOD	PUD/TOD (Planned Unit Development/Transit-Oriented Development) District
South	ROW (Highway 100)	ROW (Highway 100)
East	ROW (Highway 100)	ROW (Highway 100)
West	TOD	PUD/C2 (Planned Unit District/Commerce) District

Shingle Creek Crossing PUD Amendment History

The original Shingle Creek Crossing Planned Unit Development (PUD) was approved on May 23, 2011, and provided for the overall redevelopment of the Brookdale Mall properties. The mall was originally comprised of over 1.1 million square feet of retail space, which was subsequently reduced following the demolition of 760,000 square feet of old mall space, followed by the planned renovation of 123,242 square feet of former food court space; the redevelopment of over 403,000 square feet of new retail commercial and restaurant uses; and approval of the partial Shingle Creek daylighting.

The second PUD amendment was approved a short time later on September 12, 2011, and provided for the physical separation of the food court building from the former Sears; the renovation and conversion of the food court space from 123,242 square feet to 150,591 square feet; the removal of Building Site N (between Sears and the former Walmart); and the addition of a new 6,000 square foot commercial pad site located at the southeast corner of the Xerxes Avenue North and 56th Avenue North entrance.

The third PUD amendment, adopted on September 24, 2012, provided for the re-platting of certain lots and revisions to certain building pad sites (i.e. Building Site D, Building Site Q, and Building Site O).

The fourth amendment, adopted October 14, 2013, approved the removal and replacement of the former Brookdale Mall food court with ten (10) new retail buildings.

The fifth PUD amendment was related to various sign allowances granted throughout the Shingle Creek Crossing PUD.

The sixth PUD amendment was adopted June 9, 2014, and incorporated changes to the food court redevelopment areas, a new 5,400 square foot restaurant pad site (Building Site R); a new 5,500 square foot restaurant pad site (Building Site T); a revised size and layout of Building B from 8,500 square feet to 6,673 square feet; and approval of the Shingle Creek Crossing 5th Addition.

The seventh PUD amendment was adopted November 9, 2015, and authorized the re-subdivision of the Kohl's store property into two separate lots (Shingle Creek Crossing 6th Addition), along with the planned development of a new Building Site X.

The eighth PUD amendment, which is specific to the Subject Property, was adopted February 13, 2017, and allowed for certain changes to the approved uses and allowances under the PUD and the expansion of Building Site Y (HOM Furniture), and certain size allowances for a digital sign on the Building Site Y property. This request was followed by subsequent requests, adopted on November 13, 2017, to address changes associated with storm water management improvements, flexibility in the design of commercial/office uses, and building placements for Building Sites X and F (Bank of America). Additional amendments approved by the City Council included the addition of a drive-thru lane on the north side of the former Kohl's building.

The ninth PUD amendment was adopted on June 8, 2020, to accommodate a standalone car wash on Building Site E, and revisions to the list of uses allowed within the PUD. These changes included the removal of restrictions on four of the lots that restricted their use for "eating establishment" use only, and of which included Building Site E. Additional revisions approved included the removal of restrictions on group day care facilities and drop-in child care centers, veterinarian offices (but not animal hospitals), educational uses, and gasoline service stations.

The tenth PUD amendment was adopted on May 22, 2023, and revised the site and building plan for Building Site R to accommodate a revised 2,678-square foot restaurant and drive-thru, and certain sign allowances.

PUD AMENDMENT

Background on Request

John Pierce, Real Estate Director for HOM Furniture, Gabberts, and Dock86, and Applicant representative, began communicating with City staff in June 2024 regarding the intended use of the approximately 12,500-square foot tenant space as a Social Security Administration field office. The shell tenant space was constructed in 2019; however, despite numerous proposals over the years, no viable user has been identified.

When City staff learned a lease agreement had been executed on the space (refer to Exhibit C), City staff informed the Applicant that the proposed use ("governmental offices") was not a permitted use at that location per the approved PUD development plans, and that as a TIF agreement had been executed, this could be considered a default under the agreement if not remedied.

This was due to the fact that when HOM Furniture received approvals under City Council Resolution Nos. 2017-25 and 2017-174 (Exhibit D), the aforementioned approvals included tax increment considerations by the City's Economic Development Authority (EDA) to address costs associated with certain stormwater improvements and the City's EDA entered into a Tax Increment Finance (TIF) agreement with HOM Furniture to renovate the former Kohl's building, construct an approximately 24,000-square foot addition, of which included the 12,500-square foot addition intended for multi-tenant retail, and future improvements for Pad Site X.

The Applicant is requesting changes to the uses allowed within the PUD that would allow for "governmental offices" to be considered a *permitted* use within the Shingle Creek Crossing Planned Unit

Development (PUD) and on the Subject Property. Approval of a major Planned Unit Development amendment is necessary to forward the proposal to relocate the Social Security Administration field office into the Subject Property's approximately 12,500-square foot space.

The Shingle Creek Crossing shopping center is zoned PUD/C2 (Planned Unit Development/Commerce) District. Although the underlying C2 District was retired following adoption of the City's new Unified Development Ordinance (UDO) in January 2023, certain provisions were outlined under Section 35-2103.e (*Existing Planned Unit Developments*) that allow the PUD to remain in effect and in accordance with prior zoning regulations:

- e. **Existing Planned Unit Developments.** Planned unit developments, and parcels zoned as a planned unit development, in accordance with prior zoning regulations shall remain in effect and shall remain subject to any and all agreements, conditions and standards applicable to the planned unit development. Amendments shall be processed in accordance with the procedures identified for planned unit developments in this UDO.

Per Section 35-8306 (*PUD Amendments*), a "major amendment" is triggered where there is an introduction of a new use that is not included within the PUD approval, and in these cases, an applicant shall go through the same process established in Section 35-8303, including consideration by the Planning Commission and City Council.

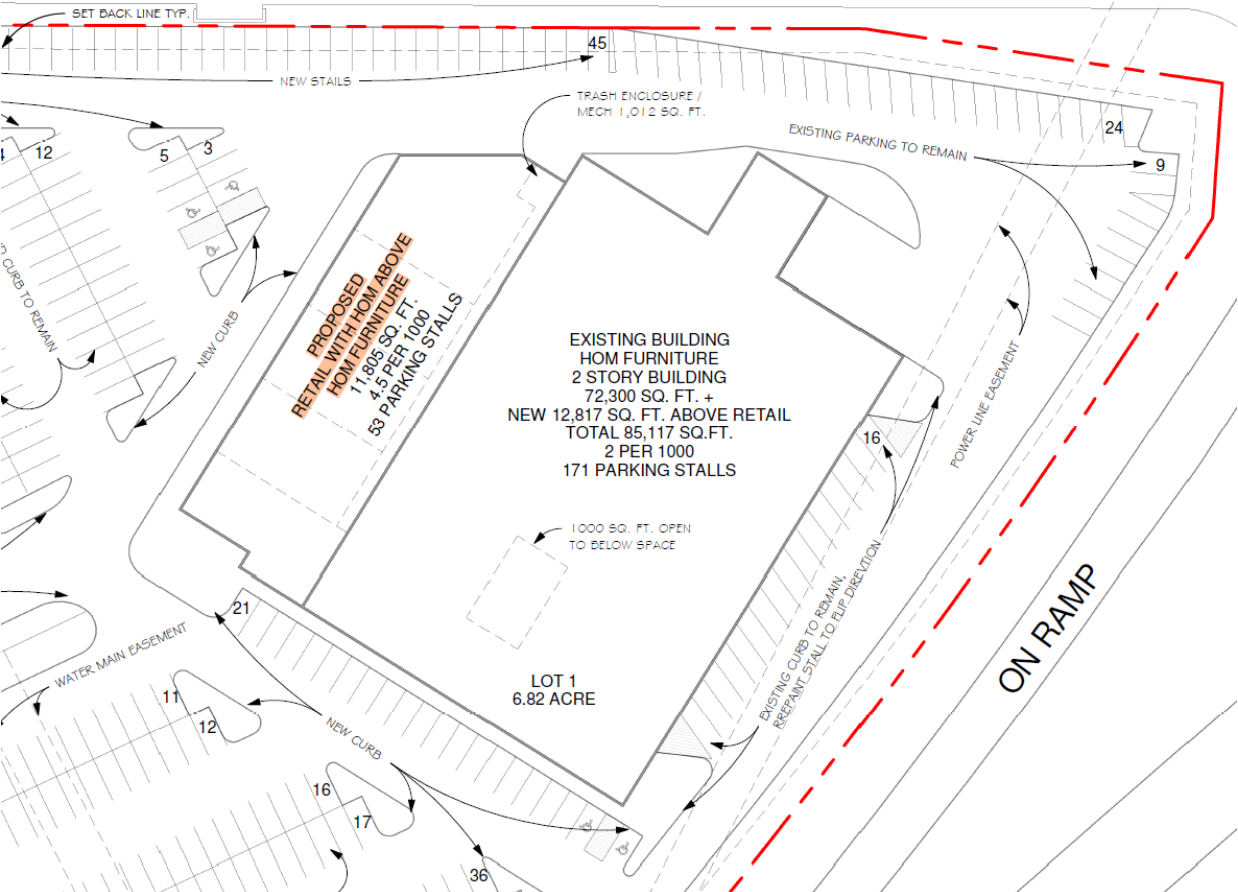


Image 1. 2017 Concept Site Plan of Subject Property and Proposed Retail Space (Archnet USA).



Image 2. 2017 Concept Architectural Rendering of New Multi-Tenant Retail Space (Archnet USA).

In 2017, then Applicant HOM Furniture submitted a Planning Commission application with their overall vision and timeline for the former Kohl’s site. Within the application, they noted (Exhibit D):

Overall Vision and Timeline

The Sites will not need to be subdivided and lot lines can be left as is.

The Buyer's initial plan is to correct the existing blight of the Kohl's building through transforming Kohl's into a HOM Furniture store with a 2 level 24,000 square foot addition. The upper floor of this addition will be additional showroom space for HOM and the first level will be market rate retail space for rent.

Timing of this Phase will begin after successful PUD, TIF, and ECR Agreements/Amendments are in place and other supporting documents have been executed. Once the Kohl's property is closed and building permits have been obtained, HOM will immediately begin to demo and expand the former Kohl's into a HOM Showroom and added retail space. HOM has been through this renovation process numerous times in various cities. Its group of responsive contractors and in house staff will complete the project efficiently.

Additional development will be market driven. Our plan is to develop the non-HOM balance of the site with aggressive marketing over the next 2 to 4 years by adding complimentary uses to the existing SCC Development such as a 48,000-square foot Medical Office facility and a Retail/Commercial building of 14,000 square feet on the EDA Parcel. If market conditions and demand dictate some other allowed uses, we are nimble and will accomplish the ultimate goal of fully developing the site to its densest and most complimentary use for the area.

In the case of the Shingle Creek Crossing PUD, no provisions were outlined for “governmental offices” in the shopping center or within the approximately 24,000-square foot addition. City Council Resolution No. 2017-25, which approved the approximately 24,000-square foot addition, specifically noted the following as part of the conditions of approval:

RESOLUTION NO. 2017-25

WHEREAS; the Planning Advisory Commission of the City of Brooklyn Center did determine that Planning Application 2017-001, submitted by HOM Furniture Inc. and Gatlin Development Company, should be approved based upon the following findings and considerations:

- A. The allowance of the 2-story, 24,000 sq. ft. addition to the former Kohl’s building, with approximately one-half of this space to be used for new multi-tenant retail spaces, and one-half to be used as additional floor space for the new HOM Furniture store, is a reasonable request; and helps promote and enhance the general public welfare of this PUD, as it maintains and keeps the redevelopment activity of this site intact and ongoing, and may be approved;

The staff report prepared for Planning Commission Application No. 2017-001 outlined that the “two-story addition will allow for the first floor to be available for 11,805 sq. ft. of new retail (multi-tenant) space, while the upper portion of 12,817 sq.ft. will be opened up to the 2nd floor of the HOM store and used for additional floor/display area.” The parking breakdown provided for Building Site Y, of which includes the former Kohl’s (now HOM Furniture), 2nd floor HOM Furniture addition, and 1st floor multi-tenant retail addition, anticipated a parking ratio of 1 parking stall per 1,000 square feet for HOM Furniture, and 4.5 parking stalls per 1,000 square feet for the 1st floor multi-tenant retail (53 stalls total).

The rationale for HOM’s limited parking needs was based off HOM Furniture locations in other cities, the showroom and warehouse floor format of their stores, which are less intense than a typical retail shopping store, and more limited customer traffic. The approvals granted for the Subject Property also outlined options for a future “Building Site X,” which has not progressed as a development site. The approval of future Building Site X, which was proposed south of Building Site F (Bank of America) granted a pathway for certain flexibilities in use and included options for retail, restaurant/retail, or medical/office.

While office uses typically park at a lower parking ratio than retail, the Shingle Creek Crossing Master PUD plans note that parking for future Building Site X is to be share between Buildings X and Y (HOM Furniture/addition) at a ratio of 2.74 parking spaces per 1,000 square feet. This assumed an approximately 32,870-square foot medical/office building on Building Site X.

Criteria for Reviewing a PUD Amendment

Section 35-8304 (*PUD Criteria*) notes that, in addition the criteria set forth in Section 35-7703 of the UDO for conditional use permits, which *does not* apply in this case as the Shingle Creek Crossing

development is an existing Planned Unit Development, the City Council shall base its decision upon the following additional criteria:

- a. Compatibility of the development plan with the standards, purposes, and intent of this section;
- b. Consistency of the development plan with the goals and policies of the Comprehensive Plan;
- c. The impact of the development plan on the neighborhood in which it is to be located; and
- d. The adequacy of internal site organization, uses, densities, circulations, parking facilities, public facilities, recreational uses, open spaces, and buffering and landscaping.

In this particular case, criteria d is relevant given that the request is for consideration of a use not previously contemplated for the Shingle Creek Crossing PUD or for the Subject Property, which was intended for multi-tenant retail. So too are criteria a through c as they address whether the proposed use would be compatible with the approved Shingle Creek Master PUD Plan standards and purposes, its ability to address the goals and policies laid out within the City’s 2040 Comprehensive Plan, and the impact of the Social Security Administration field office in the context of the neighborhood in which it would be located.

The underlying C2 (Commerce) District allows for certain “service/office” uses permitted in the City’s old C1 District, including “governmental offices;” however, with the demolition of the Brookdale Mall, Shingle Creek Crossing was envisioned to replace Brookdale as a destination shopping center, and with commercial uses typically found within a retail shopping center.

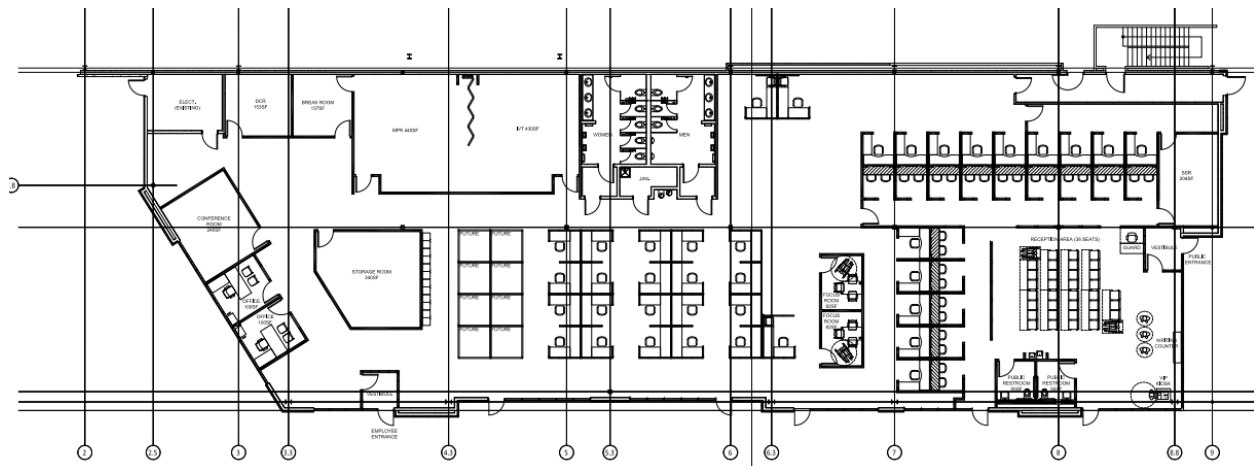


Image 3. Proposed Interior Layout of Social Security Administration Field Office on Subject Property.

Proposed Operation and Use

The Applicant provided a narrative, interior layout, and architectural buildout set as part of their application submittal (Exhibit A), which identifies a 36-seat waiting area near the dedicated public entrance on the west side of the building, public restrooms, a guard desk, VIP kiosk, writing counters, and partitioned counters for customers. The eastern half of the building includes a separate employee only entrance, employee restrooms, cubicle and office space, a conference and break room, and a storage room. The Applicant noted:

“The SSA field office provides critical public services such as retirement, disability, and healthcare benefit management for Brooklyn Center and the surrounding areas. The high visitor volume

underscores the community’s reliance on these services. The establishment of a government office in this location will enhance the availability of public services for the residents of Brooklyn Center and the surrounding areas. Government offices provide essential services such as public safety, administrative functions, and public outreach.”

The Applicant provided a report from September 2024 that identified almost 65% of visitors to the existing Social Security Administration office off Northway Drive as residents of or within a 4.5-mile radius of Brooklyn Center (1,258 of the 1,950 total customers that month). In analyzing the zip codes provided within the 4.5-mile radius, four zip codes (55429, 55430, 55422, and 55444) are used within the City of Brooklyn Center. For September 2024, 529 of the existing Social Security Administration office’s visitors were from Brooklyn Center or approximately 27% of its total visitors. The median age of a visitor to the Social Security Administration office is identified as 33 years of age.

The Applicant states in their narrative that the SSA office has a positive economic impact on local businesses with approximately 50,000 visits per year, with an average of 110 visitors per day, and that the SSA office supports local businesses by driving foot traffic to establishments with the majority of impact within a 1-mile radius; however, visitor behavior data provided by the Applicant by Placer AI notes that just 6% of visitors frequent nearby shopping centers, and 5% visit grocery stores in the area. 12% of visitors continue on to local shops and services, and 13% of visitors proceed to local dining establishments within a 3-mile radius. The majority of visitors appear to be coming directly from their homes prior to an appointment (41.3%) and heading home following their appointment (33%).

While the Applicant reasons that the above numbers demonstrate the proposed Social Security Administration office as significantly contributing to the local economy by encouraging spending in nearby businesses, City planning staff does not agree with the above conclusion.

As proposed, the Social Security Administration office would provide 28 office jobs (e.g. claims specialists, deputies, and management), and operate Monday through Friday between the hours of 7 a.m. and 5:30 p.m. for employees, and 9 a.m. to 4 p.m. for the public. Visits from the public are through a mix of scheduled and walk-in appointments, and would provide the following services:

- Retirement benefits
- Disability benefits
- Survivor benefits
- Family benefits
- Supplemental Security Income (SSI)
- Medicare Enrollment and Assistance
- Medicare Part D Enrollment
- **Social Security Card Replacements**
- Direct Deposit Enrollment for Benefits
- Benefit Verification Letters
- Tax Forms (1099/1042S)
- Tax Withholding Assistance

Social security card services such as replacements are not currently provided at the existing Brooklyn Center office but would be provided as part of an expanded location. The next nearest card processing center is located at the Twin Cities Card Center location on Chicago Avenue in Minneapolis. Other metro Social Security Administration locations include Bloomington and St. Paul.

The Applicant indicated that, while the Social Security Administration has an option to stay at their current location off Northway Drive in Brooklyn Center, their GSA (General Services Administration) representative notified the landlord of their requirements, of which include an extensive expansion to accommodate their building requirements and the Social Security Administration’s new standards. This

is in effect the driver for identifying a new location.

Comprehensive Plan

The Applicant indicates in their narrative that the proposed use, “aligns with the City of Brooklyn Center’s Comprehensive Plan, while encouraging the adaptive reuse of properties to meet changing community needs and supporting the provision of essential community services boosting the local economy of Brooklyn Center. Government offices is a permitted use in the C2 zoning district which overlays the Subject Property.”

The entirety of the Shingle Creek Crossing shopping center, including the Subject Property, is located within the “Transit-Oriented Development” future land use designation under the City’s 2040 Comprehensive Plan.

Chapter 3 (*Land Use & Redevelopment*) of the City’s 2040 Comprehensive Plan provides that while the Shingle Creek Crossing development has been redeveloped to include a few national big-box sites and small strip retail within the last 10-years and in an auto-centric pattern, it was important to guide it to TOD to provide a path for a more compact and transit-minded development pattern.

The Comprehensive Plan further notes that the City has experienced significant change in the past decade with respect to its changing demographics and land. The City was once known as the northwest metro’s regional retail center with Brookdale Mall and numerous supporting retailers and service providers. As the landscape of retail shifted and changed, the City’s core economic engine fizzled out leaving a large contiguous area of vacant and underutilized land in the core of the City. This loss has been felt for over a decade as the City has studied, re-studied, and studied again the opportunities for the area.

Although market conditions have continued to impose barriers on forwarding Phase I of the City’s Opportunity Site redevelopment, which was approved in August 2022 and located directly across from the Subject Property, City staff are optimistic and have more recently undertaken additional measures to develop the Opportunity Site. These measures include the recent adoption of the Opportunity Site Master Plan, which had been underway since 2018. Continued efforts to obtain grant and legislative funding to forward new stormwater and road infrastructure would provide additional avenues for forwarding a new downtown for Brooklyn Center, which, in turn could provide greater possibilities to increase the desirability of vacant lands and tenant spaces nearby.

Despite the closures of Walmart and Applebee’s within Shingle Creek Crossing in 2023, the shopping center has seen renewed interest from users more aligned with the demographics and needs in Brooklyn Center, rather than the national chains the shopping center was originally envisioned for. The former Walmart was re-occupied in less than one year by Empire Foods, while Applebee’s reopened as Dos Hermanos Mexican Grill & Bar. Other tenant spaces were re-filled with users like Michoalandia (ice cream), 102 Boba (boba tea), Harold’s Chicken, and Building Site R, which sat vacant for years, is nearing completion with its construction of a Pollo Campero restaurant and drive-thru. Icon Beauty, who was a long-term tenant within the shopping center, purchased the former Discount Tires building, also located within the shopping center, for an expanded location.

In reviewing the submitted documentation from the Applicant, and in reviewing other “governmental offices” in Brooklyn Center, City staff has concerns regarding the complementariness of a “governmental

office” use at this location as shopping centers, in general, are typically designed to support retail, dining, and other customer-facing services that drive foot traffic and economic activity. While governmental offices often provide some face-to-face contact, these uses typically do not attract the same level of shoppers or contribute as robustly to a shopping center’s experience or vitality.

As governmental offices typically operate during the daytime hours, and not on weekends, these uses often have less urgent traffic patterns, which are sometimes in conflict with the more dynamic nature of a shopping center and its tenants. Unlike stores or restaurants, which rely on regular visits from customers and purchases, governmental offices like a Social Security Administration office often serve as a more passive use.

Further, and with the previously outlined obligations of the approved PUD and TIF Agreements aside, the Subject Property and Shingle Creek Crossing shopping center are positioned in the core of Brooklyn Center, where valuable real estate should be optimized for its maximum potential use. It is assumed that the Applicant and HOM Furniture would desire a user that would be complementary to their business and perhaps court customers who would frequent their showroom and purchase their products. Considering the Applicant identified the majority of Social Security Administration office users as being local to Brooklyn Center, it is presumed that the location of this office on the Subject Property would fail to draw from a broader customer market.

Public Notification

As the requested amendment required public notification, a public notice was submitted to the Brooklyn Center *Sun Post* for publication on October 31, 2024, and mail notices were mailed to the surrounding property owners. The two major owners in proximity to the Subject Property include Gatlin Development Company (majority owner within Shingle Creek Crossing) and the City of Brooklyn Center Economic Development Authority (EDA), which owns significant acreage to the north of County Road 10 on the City’s Opportunity Site, including Phase I, which was approved in August 2022.

Frank Gatlin of Gatlin Development Company did correspond with City staff regarding the proposed use and noted that while he understood the struggle of the Applicant to fill the approximately 12,500-square foot tenant space, as he himself has experienced in building out Shingle Creek Crossing’s pad sites and tenant spaces, he did not think that, “this particular tenant will be of any help to Shingle Creek as far as bringing in retail customers.” Mr. Gatlin noted that it would fill a dark space and the location is far enough from his retail that it likely would not have a negative impact, but it would also not have a positive impact with the exception of having less empty space. Mr. Gatlin noted that he did not explicitly have any objection to the use other than having a desire to find better users to complement the center and create more traffic.

Findings

From the planning perspective, of which included a review of the 2011 Shingle Creek Crossing PUD Master Plans and documents, Planning Commission Application Nos. 2017-001 and 2017-007, the City’s zoning provisions, and the 2040 Comprehensive Plan, City planning staff finds that the requested amendment to allow "governmental offices" within the Shingle Creek Crossing Planned Unit Development (PUD) and to replace the previously approved multi-tenant retail use for the property at 2501 County Road 10 is:

a) *Inconsistent with the Vision of the Shingle Creek Crossing PUD*

The proposed amendment is not aligned with the established vision and objectives of the Shingle Creek Crossing PUD. While "governmental offices" are permitted within the underlying C2 (Commerce) District zoning designation as one of the limited C1 (Service/Office) District uses, this use is fundamentally different from the intended purpose of the shopping center. "Governmental offices" are not typically a catalyst for vibrant, customer-driven development. In contrast, the existing PUD was designed to prioritize retail and service-oriented businesses that attract foot traffic, economic activity, and contribute to the dynamic character of the area that would be in near proximity to the City's future downtown. The inclusion of governmental offices would not effectively support the long-term growth or redevelopment goals of the shopping center, which should remain focused on attracting commercial tenants that foster an engaging, consumer-oriented environment.

b) *Not the Highest and Best Use for the Subject Property*

Although there is a recognized need for public services in Brooklyn Center, not every use is appropriate for every location. The Subject Property, of which includes approximately 12,500 square feet of prime retail space with high visibility from County Road 10 and nearby Highway 100, was designed to accommodate retail or customer-facing businesses that serve the needs of the community. A "governmental office" use, while permitted, would fail to capitalize on the property's potential to generate commercial activity and would not be consistent with the shopping center's intended purpose. The proposed use would neither maximize the economic potential of the space nor provide a meaningful benefit to the broader Shingle Creek Crossing PUD. In short, City planning staff does not feel "governmental offices" are the "highest and best use" for this location and would be at odds with the economic competitiveness goals identified within the City's 2040 Comprehensive Plan and the City Council's strategic priorities, of which include a provision to "strengthen and diversify business development and housing."

c) *Potential Impacts on Future Development and Economic Growth*

Allowing "governmental offices" within the Shingle Creek Crossing PUD could potentially hinder future development opportunities, particularly along the eastern edge of the shopping center, where future growth potential remains both on the Subject Property (Future Building Site X) and additional pad sites and tenant spaces to the west. While the Applicant identifies a high volume of customers to the proposed Social Security Administration office, the data provided by the Applicant by Placer AI suggests that the proposed "governmental office" use would not significantly increase foot traffic or customer visits to the existing businesses in the area, which are essential for the success of the shopping center.

Retail, restaurant, and other select service and entertainment-oriented spaces, by contrast, are more likely to generate the customer volume needed to support and drive growth within the PUD. Therefore, the proposed amendment risks stalling or reducing the overall economic activity in the center and could have long-term detrimental effects on its viability as a vibrant commercial hub. The tenant space, although flexible, was constructed to orient towards County Road 10 and Shingle Creek Parkway with large, oversized windows, and an oversized sidewalk area that could accommodate outdoor seating.

City planning staff wants to reiterate the critical role the Social Security Administration (SSA) and other government agencies and offices play in providing public services that support individuals and families

through their various life stages and challenges. Services such as the administration of benefits, including retirement, disability, survivor, and family benefits are essential for ensuring the economic security and healthcare access for millions of Americans, and thousands of Minnesotans. While these functions serve a vital role to public welfare, the goals and function of “governmental offices” do not necessarily align with the purpose of Shingle Creek Crossing.

RECOMMENDATION

Given the analysis above, City planning staff recommends that the Planning Commission advise the City Council to **deny** the requested amendment to the Shingle Creek Crossing Planned Unit Development to allow "governmental offices" as a permitted use within the PUD and at the Subject Property located at 2501 County Road 10.

Additionally, City staff recommends the termination of the Tax Increment Financing (TIF) Agreement entered into between KKMBA Brooklyn Center LLC (“the Applicant”) and the Economic Development Authority of Brooklyn Center, and dated December 11, 2017. The Applicant is willing to voluntarily terminate the TIF agreement, but only if granted approval of the PUD amendment to allow for “governmental offices.”

Note: City planning staff recommends denying the major Planned Unit Development amendment based on the staff report findings. However, if the Planning Commission and City Council support allowing "governmental offices" within the Shingle Creek Crossing PUD, City staff advises the City’s Economic Development Authority to proceed with approval of a TIF termination agreement at a future meeting.

ATTACHMENTS

Exhibit A — Planning Commission Application No. 2024-012 Documentation and Proposed Interior Layout, dated October 15, 2024, and November 12, 2024.

Exhibit B — Public Hearing Notice, published in the Brooklyn Center *Sun Post*, and dated October 31, 2024.

Exhibit C — Lease Brochure for 2501 County Road 10, prepared by Premier Commercial Properties, undated.

Exhibit D — Planning Commission Application No. 2017-001 Narrative, dated December 12, 2016, and City Council Resolution Nos. 2017-25 and 2017-175.

Narrative for the PUD Amendment Application for Lot 2
Block 2, Shingle Creek Crossing

September 30, 2024

Applicant:

John Pierce/KKMBA Brooklyn Center LLC

10301 Woodcrest Drive NW

Coon Rapids, MN 55433

763-300-5646

JPierce@HOMfurniture.com

Parcel Description/Fee Owners:

Addition Name: Shingle Creek Crossing

Lot 2 Block 2

Property Address:

2501 County Road 10

Brooklyn Center, MN 55430

Owner Address:

KKMBA Brooklyn Center LLC

10301 Woodcrest Dr. NW

Coon Rapids, MN 55433

Planned Unit Development (PUD) Amendment Proposal

Proposal Overview:

This amendment to the existing Planned Unit Development (PUD) is proposed to allow **Government Office Use** as a permitted use at the property located at 2501 County Road 10, Brooklyn Center, MN. Specifically, the **Social Security Administration (SSA)** intends to operate a field office at this location to serve the public with various social security-related services.

Requested PUD Amendment:

The applicant requests an amendment to the PUD ordinance to include "Government Office" as a permitted use within the development's zoning designation for 2501 County Road 10. This will allow government entities to establish and operate offices at the subject location, facilitating public services to the community.

Legal Description of Property:

Parcel 1:

Lot 2, Block 2, Shingle Creek Crossing, according to the recorded plat thereof, Hennepin County, Minnesota.

Parcel 2:

Nonexclusive appurtenant easements for ingress and egress in favor of Parcel 1 over Outlot A, Shingle Creek Crossing 6th Addition, as created in Declaration of Access and Watermain and Sanitary Sewer Easements and Restriction dated February 15th, 2018, recorded February 21, 2018, as Document No. T05512732.

Justification for Amendment:

1. Community Need:

The SSA field office provides critical public services such as retirement, disability, and healthcare benefit management for Brooklyn Center and the surrounding areas. The high visitor volume underscores the community's reliance on these services. The establishment of a government office in this location will enhance the availability of public services for the residents of Brooklyn Center and the surrounding areas.

Government offices provide essential services such as public safety, administrative functions, and public outreach. The SSA field office will enhance the availability of critical public services such as retirement, disability, and healthcare benefit management for the residents of Brooklyn Center and the surrounding areas.

2. Consistency with Comprehensive Plan:

The proposed use aligns with the City of Brooklyn Center's Comprehensive Plan, while encouraging the adaptive reuse of properties to meet changing community needs and supporting the provision of essential community services boosting the local economy of Brooklyn Center. Government offices are consistent with the goals of providing accessible public services. Furthermore, Government Office is a permitted use in the C2 Zoning district which overlays the subject Property via Section 35-322.1.d of Brooklyn Center City Code.

3. Compatibility with Surrounding Uses:

The surrounding properties include a mix of commercial and institutional uses with the SSA office being compatible to the surrounding area. I'll discuss the compatibility in more detail below using metrics and data pulled from Placer AI, US Census Data and other sources. The biggest take away should be the moderate impact on traffic that is management within the existing infrastructure and supports the economic vitality of nearby businesses. The real impact should be focused on the increase of visitors to local dining, retail, grocery and services that will be patroned by the users of the SSA prior to and following their visits to the Property. This use is expected to function efficiently within the existing development.

4. Economic Impact:

The SSA office has a positive economic impact on local businesses. With **50,000 annual visits** and a notable percentage of visitors shopping and dining in the area post-visit, the office generates indirect economic benefits for nearby retail and service industries. The SSA office supports local businesses by driving foot traffic to establishments; with the majority of impact within a **1-mile radius**.

Social Security Administration (SSA) Services:

The SSA field office at 2501 County Road 10 will offer the following services to assist the public:

- **Retirement Benefits**
- **Disability Benefits**
- **Survivor Benefits**
- **Family Benefits**
- **Supplemental Security Income (SSI)**
- **Medicare Enrollment and Assistance**
- **Medicare Part D Enrollment**
- **Social Security Card Replacements**
- **Direct Deposit Enrollment for Benefits**
- **Benefit Verification Letters**
- **Tax Forms (1099/1042S)**
- **Tax Withholding Assistance**

These are just a few of the many services that the SSA provides to help individuals manage and apply for benefits.

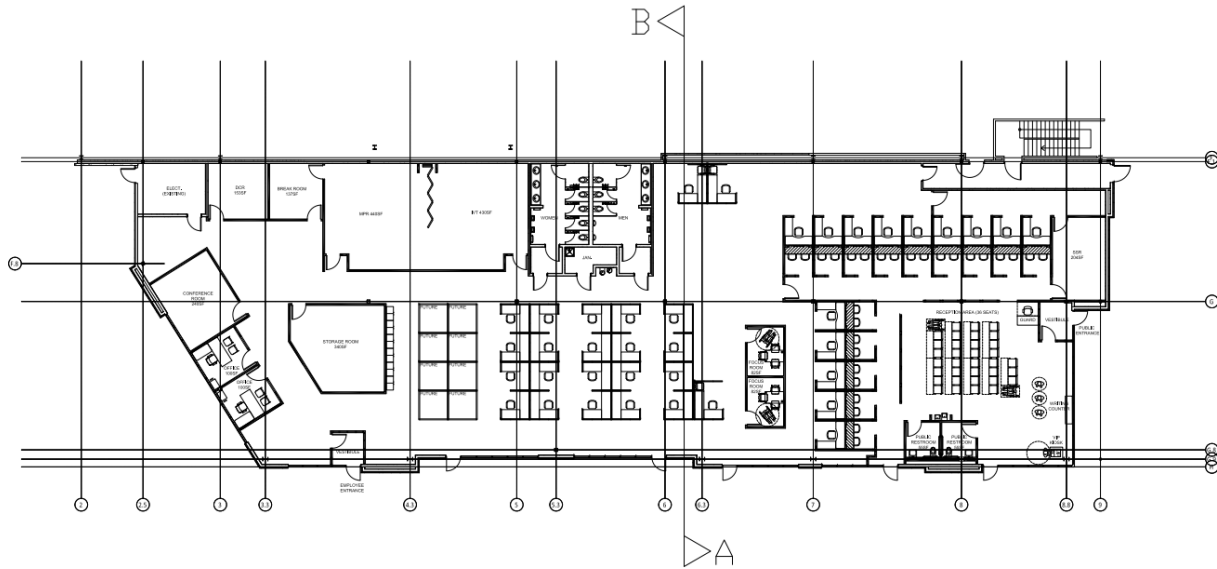
SSA Operating Hours and Visitor Statistics:

- **Public Hours:**
The Brooklyn Center SSA field office will be open to the public from **9:00 AM to 4:00 PM** daily.
- **Staff Hours:**
The office will operate internally from **7:00 AM to 5:30 PM** to allow staff to manage office functions and appointments.

During the pandemic, SSA offices were temporarily closed to the public. However, they have now reopened and are fully operational, including the Brooklyn Center location.

On average, the Brooklyn Center field office receives approximately **110 visitors per day**, translating to an estimated **40,000+ visits annually**. These visitors include a mix of **scheduled appointments** and **walk-ins**, underscoring the importance of having this office within the community. The steady flow of visitors highlights the need for accessible government office space within the community.

Proposed Space Layout:



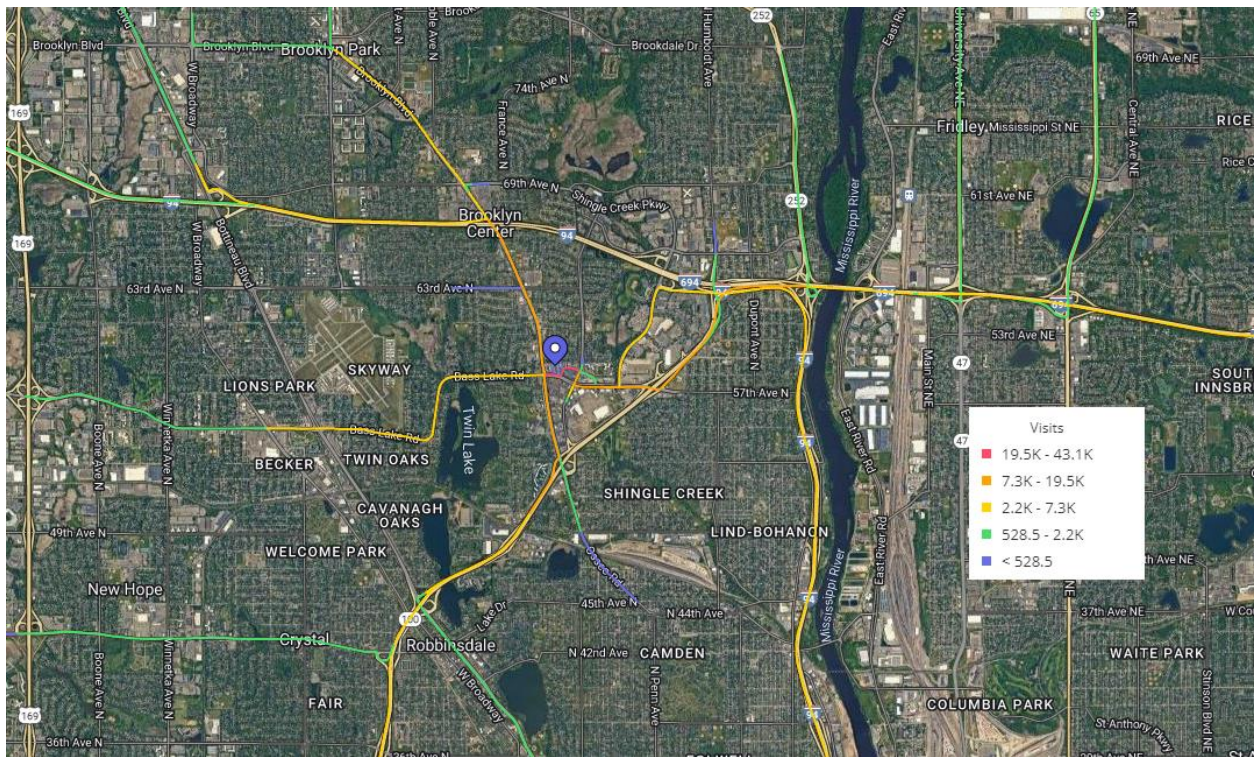
Economic Impact:

Based on data from **Placer AI**, the following demographic and behavioral insights highlight the importance and community benefits of the SSA office:

- **Median Household Income:** The median household income of visitors to the SSA field office is approximately **\$63,000**, reflecting a diverse socioeconomic population.
- **Median Age:** The median age of visitors is **33 years**, indicating that the SSA serves a broad spectrum of age groups, including working-age adults and families.
- **Visitor Behavior:**
 - **Over 40%** of visitors travel directly from their homes to the SSA office.
 - After visiting the SSA office, **13%** of visitors proceed to local dining establishments within a **3-mile radius**, contributing to the local food industry.
 - **12%** of visitors continue to local shops and services, boosting the local retail economy.
 - **6%** of visitors frequent nearby shopping centers, further supporting local businesses.
 - **5%** visit grocery stores in the area, underscoring the SSA's role in driving foot traffic to essential services and retail outlets.

This data demonstrates that the SSA office not only provides vital services but also significantly contributes to the local economy by encouraging spending in nearby businesses.

Visitor Demographics relating to Economic Impact:



Proposed Development Standards:

The development will adhere to the following conditions and standards:

1. **Permitted Use:**
 - The operation of the SSA office as a permitted Government Office Use will be allowed.
2. **Parking Requirements:**

Adequate parking must be provided to accommodate the daily visitor count and staff requirements, in line with the City's Zoning Ordinance.
3. **Signage:**

Signage must comply with the City's sign ordinance, and additional signage must be approved by the City as part of the site plan review process.

Public Hearing and Notification:

In accordance with the City of Brooklyn Center's zoning ordinance, a public hearing will be held to consider this PUD amendment. Notice will be provided to neighboring property owners, and the hearing will be advertised as required.

Conclusion:

The proposed PUD amendment to allow government office use at 2501 County Road 10, specifically for the SSA field office, is in the public interest and supports the community's need for essential services. The use is consistent with local planning objectives, contributes to the local economy, and is compatible with surrounding developments.

Recommended Action:

The City of Brooklyn Center Planning Commission and City Council are requested to approve the proposed PUD amendment to allow government office use at 2501 County Road 10, subject to the conditions outlined above.

Submitted by:
John P. Pierce
Email: JPierce@HOMfurniture.com
Mobile: (763) 300-5646

PUD Amendment PC2024-0011

November 12, 2024

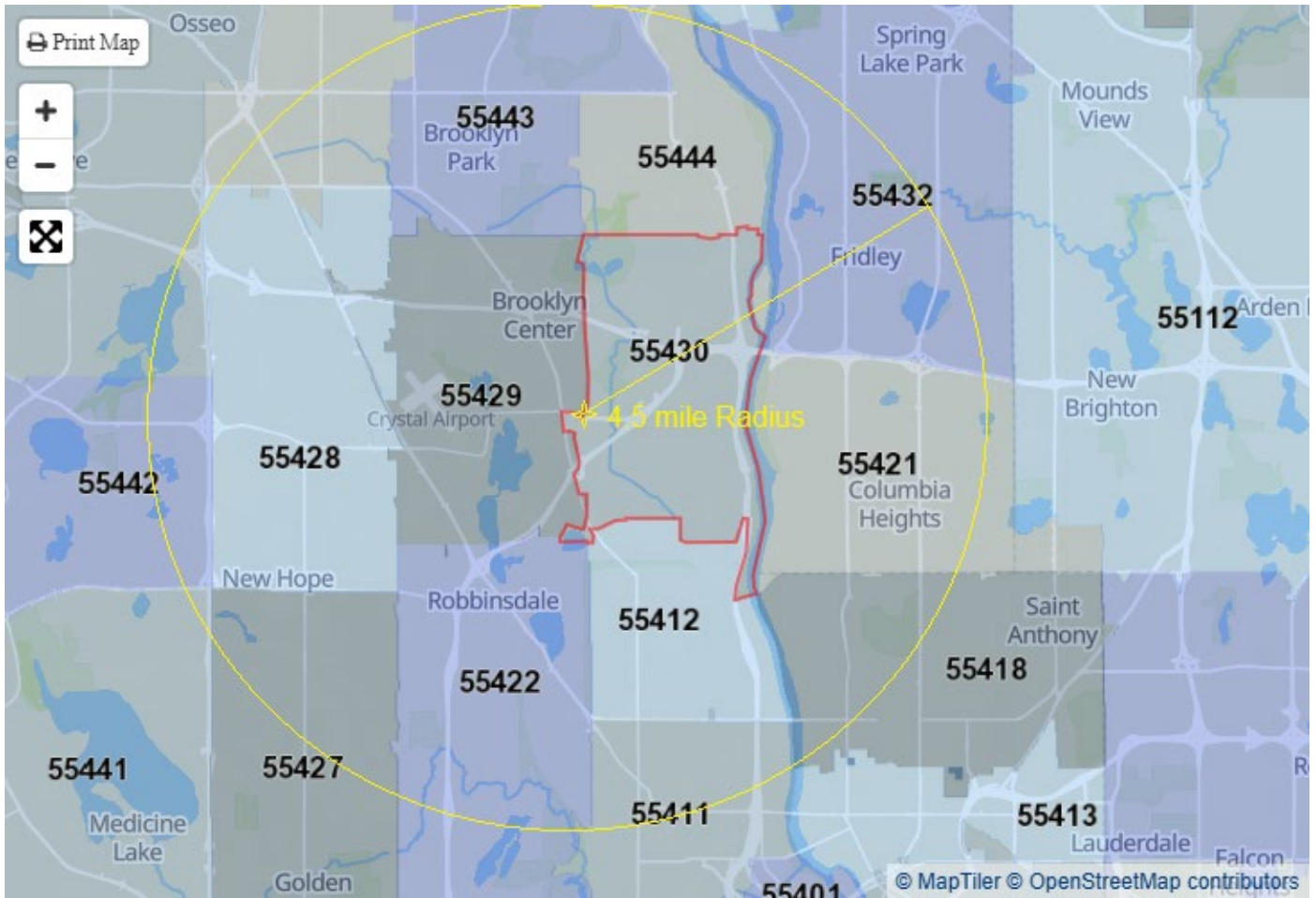
To address the PUD Amendment, I contacted Kovas Palubinskas, the GSA Broker, to understand the available options for retaining the Social Security Administration (SSA) at its current location in Brooklyn Center. Kovas informed me that while the current landlord did submit a Letter of Intent to retain the SSA, the GSA outlined significant expansion requirements for the building to meet SSA's new standards. The current site could not meet these requirements, resulting in the SSA needing to relocate. Without our submission of a Letter of Intent for them to move into our proposed space, the SSA would have left Brooklyn Center, along with the economic benefits their visitors bring to local businesses, restaurants, and retailers.

Additionally, Kovas and Oscar Villalobos (SSA Field Services) sent the below data ("Exhibit 11.12" on page 2) from September 2024 on visitor demographics. The report revealed that nearly 65% of SSA visitors, equating to 1,258 out of 1,950, were Brooklyn Center residents. This data highlights the significant local impact of keeping the SSA in the city for the support of your constituents alone.

I would like to highlight that the new SSA location will employ 28 staff members daily. Starting salaries for these positions are at the GS-5 Pay Scale, ranging from \$41,000 to \$54,000 annually. Additionally, the field office will include claim specialists, deputies, and management, with some salaries reaching over \$150,000. Retaining this employee base is essential for stimulating the local economy, as it supports surrounding businesses such as retail stores, restaurants, and gas stations (as detailed in my initial narrative).

“Exhibit 11.12”

Servicing Area	ZIP Code	Total Visitors	
		Count	Percent
Office Total		1,950	100
Assigned Total		1,949	99.9
In Area Total		1,258	64.5
C39 BROOKLYN CENTER	55311	39	2
C39 BROOKLYN CENTER	55316	27	1.4
C39 BROOKLYN CENTER	55327	6	0.3
C39 BROOKLYN CENTER	55340	5	0.3
C39 BROOKLYN CENTER	55357	2	0.1
C39 BROOKLYN CENTER	55369	34	1.7
C39 BROOKLYN CENTER	55374	15	0.8
C39 BROOKLYN CENTER	55412	91	4.7
C39 BROOKLYN CENTER	55421	56	2.9
C39 BROOKLYN CENTER	55422	56	2.9
C39 BROOKLYN CENTER	55427	37	1.9
C39 BROOKLYN CENTER	55428	76	3.9
C39 BROOKLYN CENTER	55429	320	16.4
C39 BROOKLYN CENTER	55430	101	5.2
C39 BROOKLYN CENTER	55432	44	2.3
C39 BROOKLYN CENTER	55433	52	2.7
C39 BROOKLYN CENTER	55441	19	1
C39 BROOKLYN CENTER	55442	20	1
C39 BROOKLYN CENTER	55443	98	5
C39 BROOKLYN CENTER	55444	52	2.7
C39 BROOKLYN CENTER	55445	31	1.6
C39 BROOKLYN CENTER	55446	26	1.3
C39 BROOKLYN CENTER	55447	7	0.4
C39 BROOKLYN CENTER	55448	44	2.3
Out of Area Total		691	35.4



Applicant:

John Pierce/KKMBA Brooklyn Center LLC

10301 Woodcrest Drive NW

Coon Rapids, MN 55433

763-300-5646

JPierce@HOMfurniture.com

Parcel Description/Fee Owners:

Addition Name: Shingle Creek Crossing

Lot 2 Block 2

Property Address:

2501 County Road 10

Brooklyn Center, MN 55430

Owner Address:

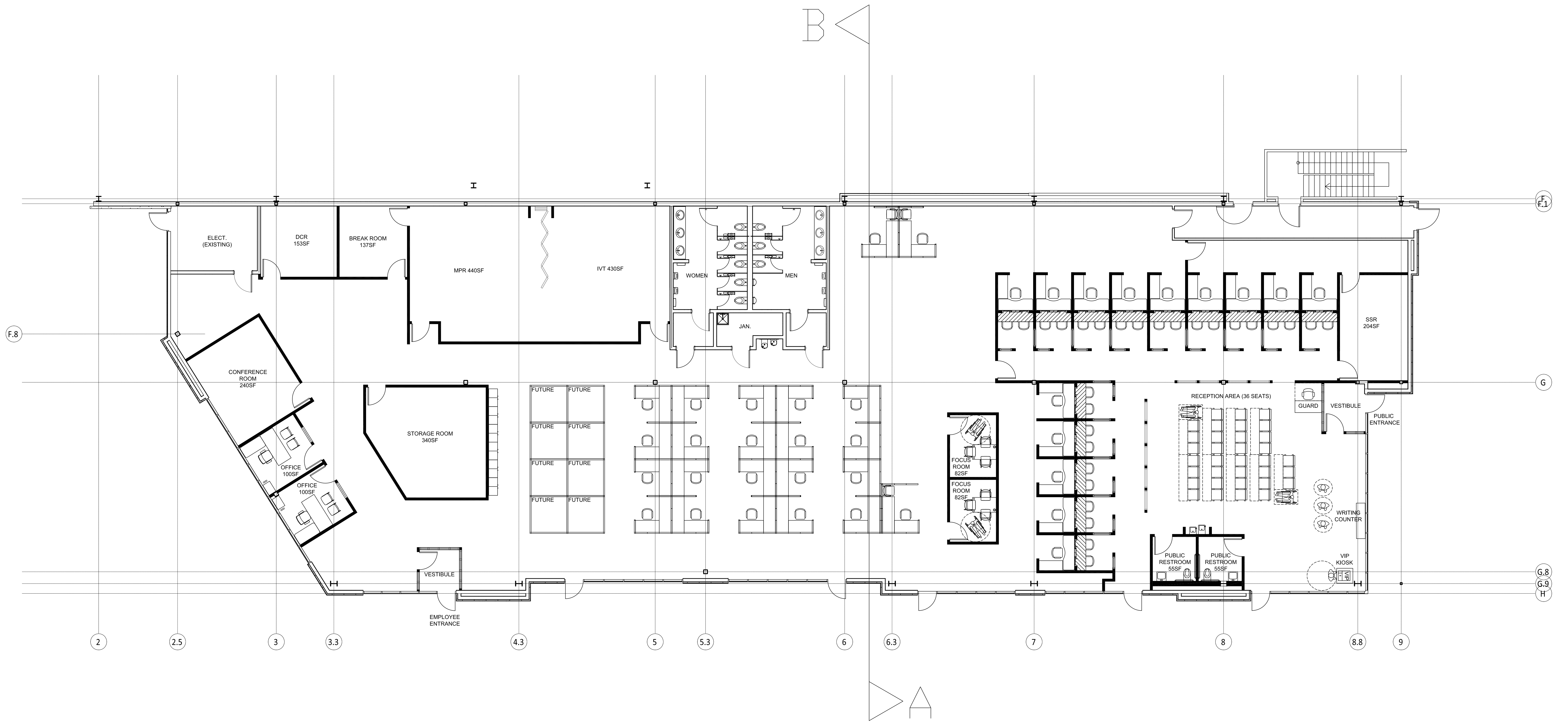
KKMBA Brooklyn Center LLC

10301 Woodcrest Dr. NW

Coon Rapids, MN 55433

BROOKLYN CENTER, MN (C39) HQ DID

WALL LEGEND
— EXISTING WALLS
— NEW WALLS



CITY OF
BROOKLYN CENTER
NOTICE OF
PUBLIC HEARING

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold an in-person public hearing on **Thursday, November 14, 2024** at approximately 7:00 p.m. Meeting materials can be accessed by visiting the City of Brooklyn Center's website at: <https://www.brooklyncentermn.gov/>. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUESTS:

PUD Amendment (Major)

APPLICANT AND PROPERTY

OWNER:

KKMBA Brooklyn Center LLC

PROPERTY ADDRESS | PID:

2501 County Road 10,
Brooklyn Center, MN 55430
| 02-118-21-31-0062

**BRIEF STATEMENT OF
CONTENTS OF PETITION:**

The Applicant is requesting review and consideration of a major amendment to the Shingle Creek Crossing Planned Unit Development that would allow for "governmental offices" as a permitted use. This request is associated with a proposal for the Social Security Administration to operate a field office in an approximately 12,500-square foot tenant space at 2501 County Road 10.

Comments and questions may be forwarded to gmcintosh@brooklyncentermn.gov up until 4:30 pm on the day of the meeting, or by contacting Ginny McIntosh at (763) 569-3319. Your comments will be included in the record and addressed as part of the meeting. Alternatively, you may participate in the Planning Commission meeting via Webex at: logis.webex.com

Meeting Number (Access Code):

2630 503 3040

Password: BCPC11142024

By Phone: 1 (312) 535-8110

(Enter Access Code)

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,
Ginny McIntosh
Planning Manager

Published in the
Sun Post
October 31, 2024
1430217



Retail Space for Lease

2501 County Road 10
Brooklyn Center, MN

AVAILABLE SPACE

- 12,500 Total square feet
- Six bays available for lease
- 12,500 SF Demisable to 1,558 SF
- Building and Digital reader board Signage available on Hwy 100
- Shell space with dirt floor
- Generous tenant improvement allowance available for a term lease
- Potential patio space available
- Abundant parking

PROPERTY DETAILS

Lease Rate: \$15 / SF NNN

FOR MORE INFORMATION, CONTACT

Richard Lee

612-270-0354

richlee@premiercommercialproperties.com



PREMIER
COMMERCIAL
PROPERTIES

FOR LEASE

CONTACT: Richard Lee

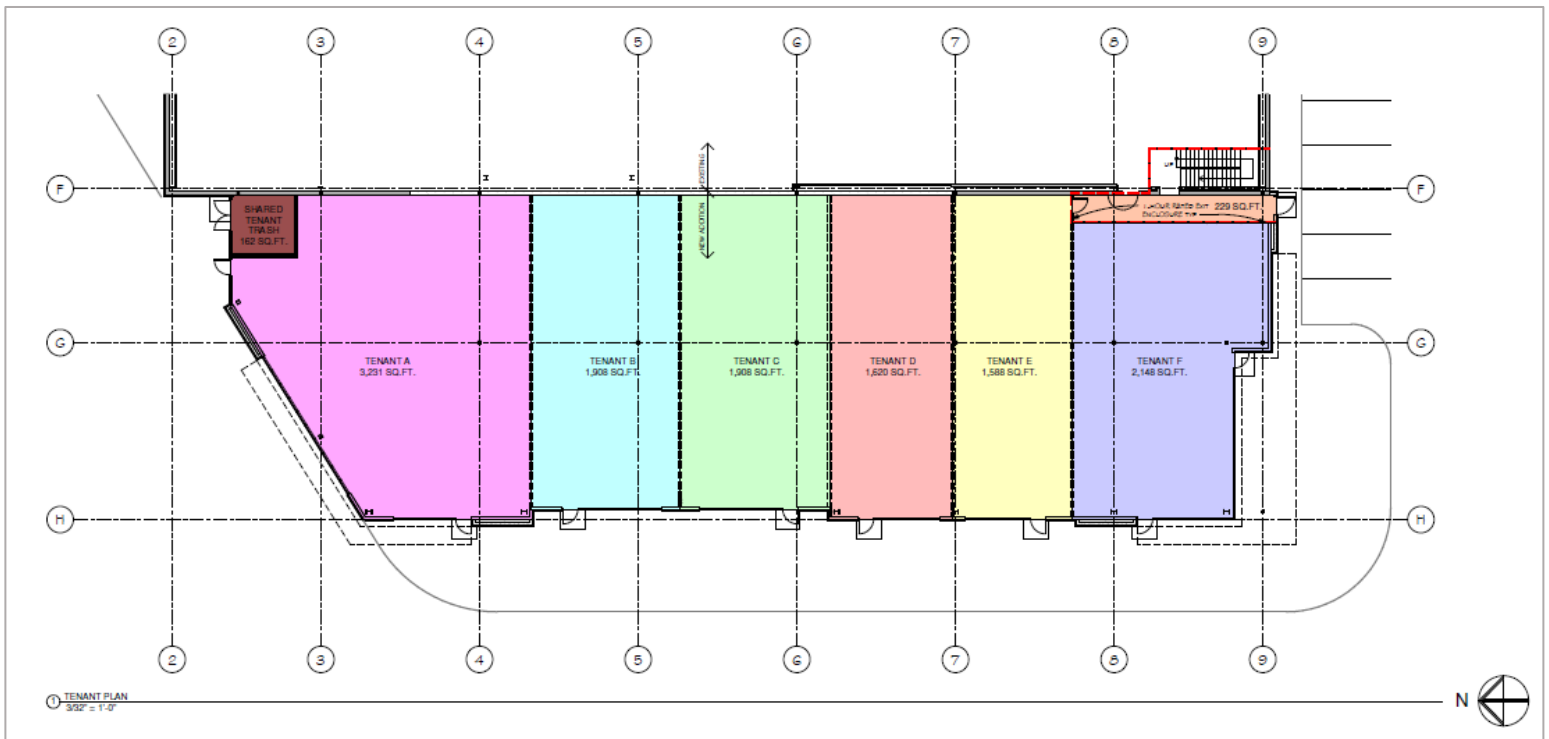
MOBILE: 612-718-9919

EMAIL: richlee@premiercommercialproperties.com



Trade Area Demographics

1 Mile	3 Mile	5 Miles
\$76,034	\$76,036	\$82,492
Est. Avg. Income	Est. Avg. Income	Est. Avg. Income
13,300	118,211	318,953
Est. Population	Est. Population	Est. Population
4,778	43,542	122,102
Est. Households	Est. Households	Est. Households





CONTACT: Richard Lee

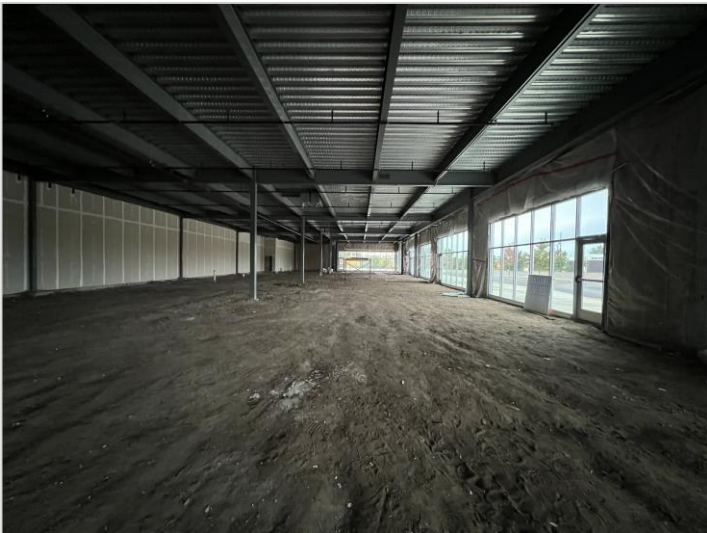
MOBILE: 612-718-9919

EMAIL: richlee@premiercommercialproperties.com

Space Details

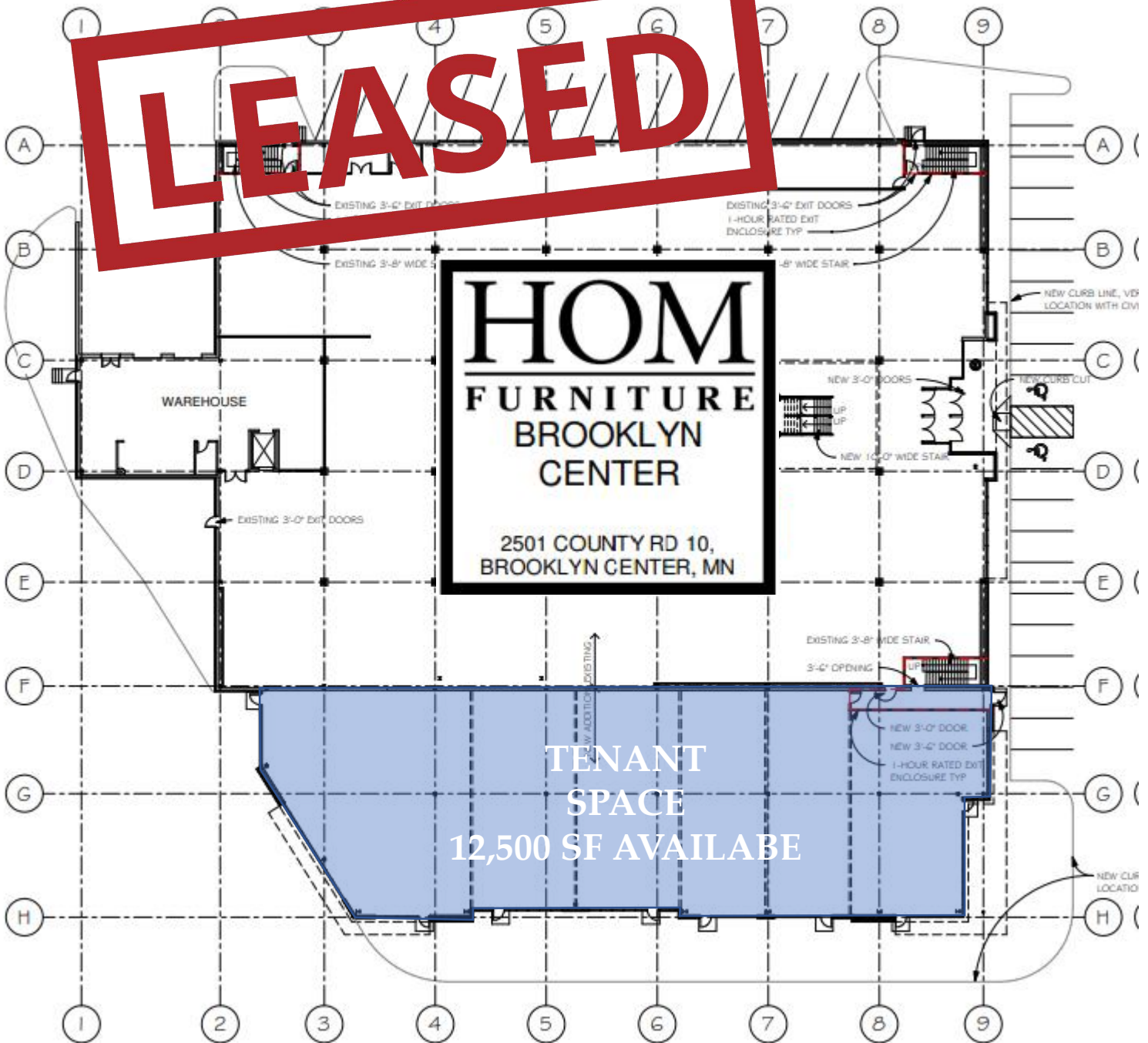
- Shell space ready for tenant
- Plumbing stubs to the suites
- Ability to add plumbing and electric in floor
- HVAC units in place
- Building Signage above Tenant space
- Central server board on Hwy 100
- 14' ceiling
- Electrical panels in each bay

LEASED





LEASED





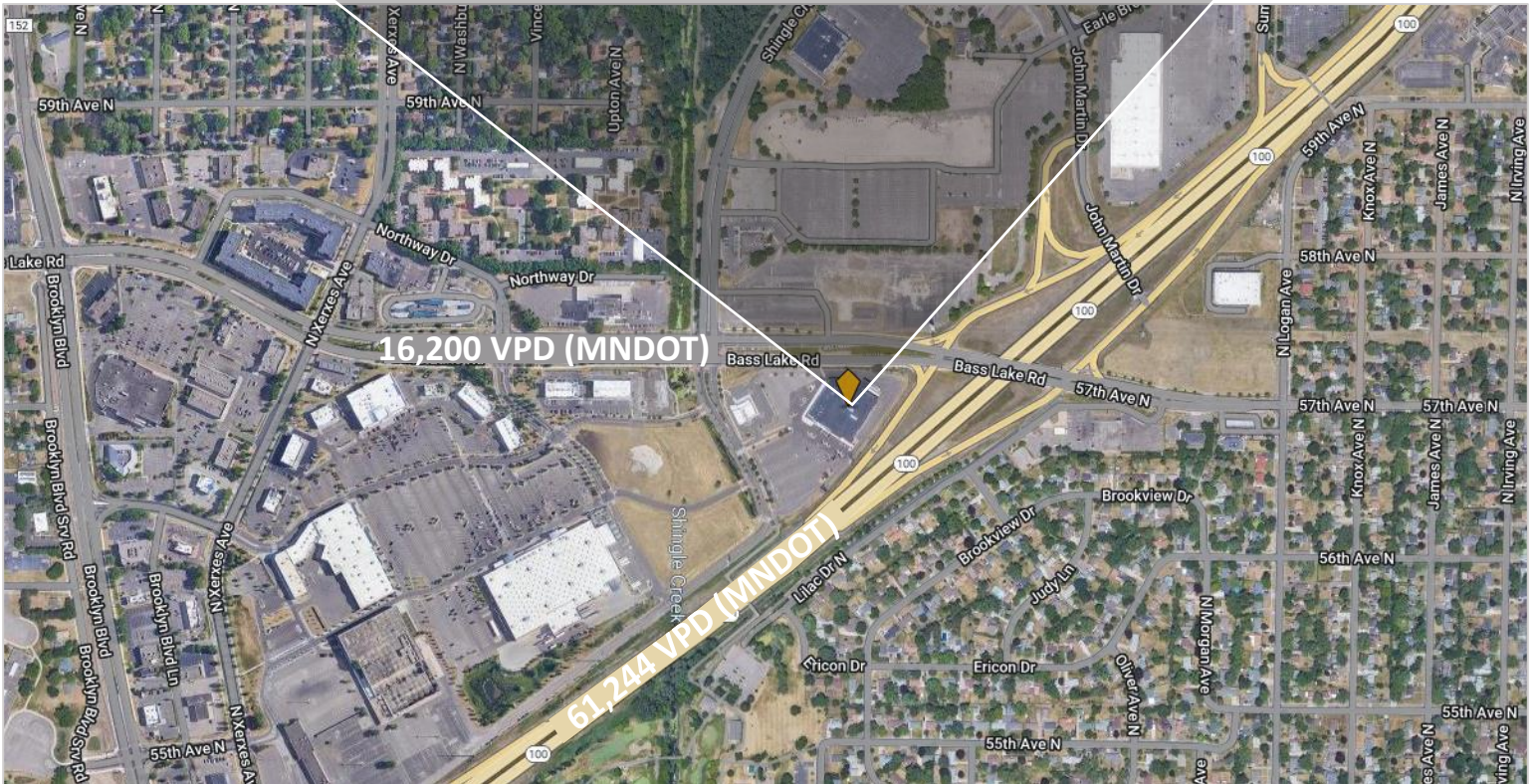
PREMIER
COMMERCIAL
PROPERTIES

FOR LEASE

CONTACT: Richard Lee

MOBILE: 612-718-9919

EMAIL: richlee@premiercommercialproperties.com





City Use Only

Date Received: _____

Date Application Complete: _____

Letter of Completeness: _____

Application No. _____

Planning & Development Application

A preliminary meeting with the Planning and/or Engineering Staff is required prior to the submission of a Planning Application. No application will be accepted prior to such meeting. City Staff shall have five (5) business days to review applications for completeness. The 60-day statutory review period does not begin until staff determines the application is complete.

Application Request (Mark all that Apply)

X	Site & Building Plan (\$750)		Planned Unit Development (\$1,800)		Subdivision Approval (\$300)
	Rezoning (\$1,050)	X	PUD Amendment (\$700)		Appeal (\$200)
	Varlance (\$200)		Special Use Permit (\$200)		Determination (\$200)

Applicant Information:

Name: HOM Furniture, Inc.

Address: 10301 Woodcrest Drive NW, Coon Rapids, MN 55433

Phone: 763-767-3600 Cell: 612-325-0205

Email: wjohansen@homfurniture.com Signature: *Wjohansen*

Owner Information* (if different from Applicant):

Name: Lot 1, Block 2 CITY OF BROOKLYN CENTER 6301 SHINGLE CREEK PKWY BROOKLYN CENTER MN 55430	Name: Lot 2, Block 2 SHINGLE CREEK LLC 1301 RIVERPLACE BLVD #1900 JACKSONVILLE FL 32207
---	---

Address: _____

Phone: 904-379-4774 Cell: 904-437-9871

Email: Frank@gatlindc.com Signature*: *Frank Gatlind*

* The fee title owner of the property must sign this Application to make it official

Please provide a general description of your Application Request: see narrative included with application

Address/Location of Property: 2501 County Road 10, Brooklyn Center, MN 55430

Legal Description of Property: PID 0211821310062 and PID 0211821240022 Lots 1 & 2, Block 2 Shingle Creek Crossing

The applicant requests processing of this application and agrees to pay to the City of Brooklyn Center, within fifteen (15) days after mailing or delivery of the billing statement, the actual costs incurred by the City for Engineering, Planning and Legal expenses reasonably and necessarily required by the City for the processing of the application. Such costs will be in addition to the application fee described herein. Withdrawal of the application will not relieve the applicant of the obligation to pay costs incurred prior to withdrawal.

Application Fee \$ _____

Acct No. 10100-4403

Receipt No. _____

Planning Commission Recommendation

Dates of PC Consideration	Legal Notice Published	Notices Mailed	Action Taken	Approved Resolution No.

____ Approved ____ Denied this _____ day of _____ 20 _____,
subject to the following conditions:

Chairman

City Council Action

Dates of Council Consideration	Legal Notice Published	Notices Mailed	Action Taken	Approved Resolution No.	Performance Bond Received

____ Approved ____ Denied this _____ day of _____ 20 _____,
with the following amendment:

Clerk/Planning Commission Secretary

Narrative for the PUD Amendment Application for Lots 1
and 2 Block 2, Shingle Creek Crossing

December 12, 2016

Applicant/Buyer

Wayne Johansen/HOM Furniture
10301 Woodcrest Drive NW
Coon Rapids, MN 55433
763-767-3771

Fee Owners/Sellers:

Lot 1 Block 2 "EDA"
Economic Development Authority of the City of Brooklyn
Center Minnesota

Lot 2 Block 2 "Kohl's"
Shingle Creek, LLC
1301 Riverplace Blvd #1900
Jacksonville, FL 32207

Sellers and Buyer are parties to a Purchase Agreement for the Kohl's parcel and a future Option Agreement for the EDA parcel. To accomplish proceeding to Closing of the Kohl's property and the execution of an Option Agreement for the EDA Site, certain changes need to be made to the existing PUD Agreement governing these sites and the Shingle Creek Crossing. Once in place and agreed upon, the Buyer can proceed to an application for a Tax Increment Financing Agreement with the City and then close on the Kohl's site.

Overall Vision and Timeline

The Sites will not need to be subdivided and lot lines can be left as is.

The Buyer's initial plan is to correct the existing blight of the Kohl's building through transforming Kohl's into a HOM Furniture store with a 2 level 24,000 square foot addition. The upper floor of this addition will be additional showroom space for HOM and the first level will be market rate retail space for rent.

Timing of this Phase will begin after successful PUD, TIF, and ECR Agreements/Amendments are in place and other supporting documents have been executed. Once the Kohl's property is closed and building permits have been obtained, HOM will immediately begin to demo and expand the former Kohl's into a HOM Showroom and added retail space. HOM has been through this renovation process numerous times in various cities. Its group of responsive contractors and in house staff will complete the project efficiently.

Additional development will be market driven. Our plan is to develop the non-HOM balance of the site with aggressive marketing over the next 2 to 4 years by adding complimentary uses to the existing SCC Development such as a 48,000-square foot Medical Office facility and a Retail/Commercial building of 14,000 square feet on the EDA Parcel. If market conditions and demand dictate some other allowed uses, we are nimble and will accomplish the ultimate goal of fully developing the site to its densest and most complimentary use for the area.

Process After Closing

- Demo the inside of the Kohl's building
- Reskin much of the exterior similar to the conceptual elevation drawings using updated building materials
- Replace or repair any outdated or inefficient mechanicals

- Build out the interior to HOM specific store standards
- Add a 2 story, 24,000 square foot addition to the NW side of the existing Kohl's building as shown in the attached elevations and Site Plan; the 2nd floor for additional HOM Furniture space and the 1st floor as market rate retail space.
- Replace/repair the roof as needed
- Grand Opening
- Lease and build out the new first level retail rental space

Again, HOM is motivated to see the balance of the site developed as soon as is practical. It will enhance our sales with more activity and contribute to the overall success of Shingle Creek Crossing which makes us all win.

HOM and its affiliated entities are excited to accomplish this vision. We have developed or redeveloped over 2.5M square feet of real estate and currently own or manage over 3 million square feet which is 99% occupied. Our in-house property management team makes sure things look sharp and function well.

Amendments Required

- Materials per the concept plans and amended in the PUD Agreement as follows per ATTACHMENT 17:
 - BUILDING MATERIALS
 - ... Existing Kohl's building to have south, east and west faces with 50% Class I materials and 50% Class II, materials, with north side with 25% Class I and 75% Class II materials...
 - Class I materials (for all buildings) shall include brick or acceptable brick-type material; marble, granite, other natural stone or acceptable natural looking stone; textured cement stucco; copper; porcelain; glass; architectural textured concrete pre-cast panels; architectural metal panels, architectural fiber cement panels, and other materials including masonry units with enhanced detailing such as patterns, textures, color, dimension, banding, and brick inlay as approved by the City Planning Commission and City Council.
 - Class II Materials - No Changes
- SCREENING
 - OMIT " Drive-thru or service lanes shall be screened with berming, landscaping or fencing"

- Replace Sign Code language in Current PUD with the current C2 District Sign Code Language
- A dynamic messages sign “DMS,” of 350 square feet per side shall be allowed in a location as per the Site Plan. The beam of light shall not shine directly upon any part of a residence or into the street per requirements of Section 34-140.3. A DMS message must remain constant for at least eight seconds. Height shall be as allowed per code and easements restrictions, if any.
- Parking shall be the Current Use for Office and Retail of 4.5 spaces per 1,000 square feet of building, EXCEPT that the ratio shall be 1 space per 1,000 square feet for Furniture related showroom and warehouse. See Site Plan.
- Buyer shall be required to close off the Right In entrance off of Bass Lake Road during the development of the HOM store.
- The EDA Parcel Agreement between EDA of Brooklyn Center and Shingle Creek, LLC dated June 28,2011 and Amended thereafter, shall be canceled and rewritten in favor of the Buyer. Language shall be included to reflect that Buyer will complete the purchase of the EDA Parcel by December 31, 2021 and complete the project within 12 months of Closing.
- On the EDA Pylon Lot, PID:0211821240021 - Setbacks shall be as if the EDA is one lot and not 2 lots, i.e. not a separate SCC pylon lot and EDA lot.
- Water detention, if any, shall be supplied off site by the City of Brooklyn Center or the Brooklyn Center EDA.
- The Prohibited uses found in Section 4.B. shall be modified as follows:
 - 4.B.1) Shall not apply to a Medical Office Building with typical tenants that may do surgeries, Urgent Care and treat patients in their offices.
 - 4.B.1) Medical and Dental Laboratories shall be allowed
 - 4.B.3) Educational Uses listed in Section 35-322.1.h. shall be allowed
 - 4.B.6) Drop in child care centers listed in 35-322.1.k. shall be allowed
 - 4.B.7) Gasoline Service Stations shall be allowed
 - 4.B.11) Animal Hospitals shall be allowed
 - 4.B.15) Group day care facilities shall be allowed
- Any other Documents that need to be perfected or added to accomplish the development of the Site per these plans.

Required Application Submissions

- Kimley-Horn has assembled the following required items to complete this Application and are attached:
 - Street and utility locations and sizes. A drainage plan. A grading plan. A landscape plan. A lighting plan. A site plan showing the location of all structures and parking areas.
- Archnet Architects and the Buyer have assembled and included the remaining required items:
 - Application and Fee (\$1,450). A plan for timing and phasing of the development. Covenants or other restrictions proposed for the regulation of the development. And building renderings or elevation drawings of all sides of all buildings to be constructed in at least the first phase of development.

Conclusion

These changes to the current PUD will allow HOM to develop the site to its highest and best use for the Citizens and City of Brooklyn Center, surrounding areas, and Shingle Creek Crossing.

Thank you for your consideration of our Application.

Sincerely,

Wayne Johansen
Chairman
HOM Furniture
cell 612.325.0205

Member Kris Lawrence-Anderson introduced the following resolution and moved its adoption:

RESOLUTION NO. 2017-25

RESOLUTION REGARDING THE DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2017-001 SUBMITTED BY HOM FURNITURE INC. AND GATLIN DEVELOPMENT COMPANY FOR PLANNED UNIT DEVELOPMENT AMENDMENT NO. 8 TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT AND SITE AND BUILDING PLAN FOR HOM FURNITURE STORE (LOCATED AT 2501 COUNTY ROAD 10)

WHEREAS, the City Council of Brooklyn Center adopted Resolution No. 2011-85, dated June 13, 2011, which is considered the first amendment to the previously approved 1999 Brookdale Mall Planned Unit Development, whereby this amendment approved the establishment of the new Shingle Creek Crossing Planned Unit Development, and which included an approved Development/Master Plan and certain allowances and development standards that would govern over the PUD; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2011-127, dated September 12, 2011, which approved the first amendment to the original Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2012-106, dated August 13, 2012, which approved the second amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2012-129, dated September 24, 2012, which approved the third amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2013-124, dated October 14, 2013, which approved the fourth amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2013-72, dated July 8, 2013, which approved the fifth amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2014-75,

RESOLUTION NO. 2017-25

dated June 9, 2014, which approved the sixth amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, the City Council subsequently adopted City Resolution No. 2016-170, dated November 9, 2015, which approved the seventh amendment to the Shingle Creek Crossing Planned Unit Development, and which included an updated Development/Master Plan and provided additional allowances and development standards; and

WHEREAS, HOM Furniture Inc. and Gatlin Development Company jointly submitted Planning Application No. 2017-001, which is considered the eighth amendment to the Shingle Creek Crossing Planned Unit Development, by allowing certain changes to the approved 2011 Shingle Creek Crossing Planned Unit Development; and

WHEREAS, the PUD Amendment comprehends additional adjustments and uses not approved under the 2011 Shingle Creek Crossing Planned Unit Development and the related 2011 PUD Agreement; and

WHEREAS, Planning Application 2017-001 also provides for the official request for consideration and approval of the new Site and Building Plan for the new HOM Furniture Store with a retail store expansion on the subject site: and

WHEREAS, on January 12, 2017, the Planning Commission held a duly called public hearing, whereby a staff report and public testimony regarding the amendment to this Planned Unit Development were initially heard and noted for the record, and said hearing was tabled to the next Planning Commission meeting; and

WHEREAS, on January 26, 2017, the Site and Building Plan for HOM Furniture was officially received; an updated staff report presented; public hearing was re-opened; additional public testimony was given and noted for the record; and the Planning Commission gave full consideration of both the PUD Amendment and Site and Building Plan elements of said Planning Application No. 2017-001; and

WHEREAS, in light of all testimony received, and utilizing the guidelines and standards for evaluating such amendments as contained in City Code Section 35-355 (Planned Unit Development); and utilizing the guidelines and standards for evaluating site and building plans as contained in City Code Section 35-230 (Plan Approval); along with consideration of the goals and objectives of the City's Comprehensive Plan, the Planning Commission considers this PUD Amendment No. 8 and Site and Building Plan for HOM Furniture to be an appropriate and reasonable use and redevelopment of the subject property, that standards for evaluating for evaluating such amendments and site plans have been met; and the proposal is therefore in the best interest of the community; and

RESOLUTION NO. 2017-25

WHEREAS; the Planning Advisory Commission of the City of Brooklyn Center did determine that Planning Application 2017-001, submitted by HOM Furniture Inc. and Gatlin Development Company, should be approved based upon the following findings and considerations:

- A. The allowance of the 2-story, 24,000 sq. ft. addition to the former Kohl's building, with approximately one-half of this space to be used for new multi-tenant retail spaces, and one-half to be used as additional floor space for the new HOM Furniture store, is a reasonable request; and helps promote and enhance the general public welfare of this PUD, as it maintains and keeps the redevelopment activity of this site intact and ongoing, and may be approved;
- B. The allowance of reduced amount of Class I materials along the north elevation side of the building is considered reasonable and may be approved;
- C. The request to grant a reduced parking ratio allowance from 4.5 spaces per 1,000 sq. ft. of building space to 1 space per 1,000 sq. ft. and attributed to the newly proposed furniture showroom and warehouse only should not be detrimental or pose any threat or danger to the general public; nor injurious to the use and enjoyment of other uses in this Shingle Creek Crossing PUD; and is hereby considered a reasonable request and acceptable;
- D. The request to allow future/planned Building X to be expanded from 19,000 sq. ft. to 48,000 sq. ft. is considered a positive and reasonable increase, as the larger building will provide an increased tax base in this area, and will help promote and provide a needed medical services and a facility for the residents and surrounding community;
- E. The allowance of the reduced setbacks on the EDA lot for future development by HOM Inc. should not pose any problems in this area and is acceptable;
- F. The allowance of certain uses that were initially prohibited under the 2011 Shingle Creek Crossing PUD Agreement should be limited to the following:
 - i. Medical Office Building - with typical tenants that may do surgeries, urgent care and treat patients in offices;
 - ii. Medical and Dental Laboratories;

RESOLUTION NO. 2017-25

- iii. Educational Uses listed in Zoning Code Section 35-322.1.h.;
 - iv. Transient lodging, provided they are limited to hotel use only, and no motels.
 - v. Animal Hospitals, provided any outdoor kennel runs or activity areas for pets being cared for in the hospital is screen with an opaque fence and regularly cleaned and maintained.
- G. The allowances to omit the standard: "Drive-thru or service lanes shall be screened with berming, landscaping or fencing" is not recommended and should remain intact.
- H. The allowance to have regular C-2 Zone sign standards as found in Chapter 34, Brooklyn Center Sign Code as opposed to the approved 2011 Shingle Creek Crossing Sign Program Plan is partially approved, with an allowance to have all new wall signs comply with the C-2 Zone sign standards established under the Sign Code; and only one (1) new freestanding sign up to 250 sq. ft. along the HWY 100 frontage should be allowed, and can either be a regular static message or dynamic sign per City Code Ch. 34.
- I. The proposed and general layout of all new building improvements, including reduced setbacks and any other related flexibility or reductions identified herein or the resulting resolution of approval, and on the updated Shingle Creek Crossing PUD Plans, may be acceptable and approved.

AND WHEREAS, upon acceptance of all public comments and discussion of this item, the Planning Commission adopted Planning Commission Resolution No. 2017-01, which provides a favorable recommendation to the City Council, that this request submitted by HOM Furniture Inc. and Gatlin Development Company under Planning Application No. 2017-001, which is the eighth amendment to the Shingle Creek Crossing Planned Unit Development, by allowing certain changes to the approved 2011 Shingle Creek Crossing Planned Unit Development, along with the Site and Building Plan Approval of the new HOM Furniture Store development, should be approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Brooklyn Center, Minnesota that this request submitted by HOM Furniture Inc. and Gatlin Development Company under Planning Application No. 2017-001, which is the eighth amendment to the Shingle Creek Crossing Planned Unit Development, by allowing certain changes to the approved 2011 Shingle Creek Crossing Planned Unit Development, along with the Site and Building Plan

RESOLUTION NO. 2017-25

Approval of the new HOM Furniture Store development, that the findings of approval as noted herein are hereby acceptable, and this PUD Amendment and Site and Building Plan request is hereby approved subject to the following conditions:

1. Developer shall comply with all conditions or request of additional information as noted in the City Engineer Review Memorandum, dated January 5, 2017
2. Developer is allowed to amend the 2011 Shingle Creek Crossing Planned Unit Development by allowing the following uses:
 - a) Medical Office Building - with typical tenants that may do surgeries, urgent care and treat patients in offices;
 - b) Medical and Dental Laboratories;
 - c) Educational Uses listed in Zoning Code Section 35-322.1.h.;
 - d) Transient lodging, provided they are limited to hotel use only, and no motels.
 - e) Animal Hospitals, provided any outdoor kennel runs or activity areas for pets being cared for in the hospital is screen with an opaque fence and regularly cleaned and maintained.
3. Developer is allowed to construct a 2-story, 24,622 sq. ft. addition to the former Kohl's building, with approximately one-half of this space to be used for new multi-tenant retail spaces, and one-half to be used as additional floor space for the new HOM Furniture store.
4. Developer is allowed to a reduction of Class I materials along the north elevation side of the new HOM store building, provided all other elevations receive the 50% Class I and 50% Class II ratio.
5. Developer is granted the reduced parking ratio allowance from 4.5 spaces per 1,000 sq. ft. of building space to 1 space per 1,000 sq. ft. and attributed to the new HOM Furniture store use only. All other uses must maintain the 4.5/1,000 ratio as prescribed in the 2011 Shingle Creek Crossing PUD Agreement.
6. Developer is allowed to expand proposed/future Building X from 19,000 sq. ft. to 48,000 sq. ft. for a medical/multi-tenant office building. A separate

RESOLUTION NO. 2017-25

Site and Building Plan application will be required before any approvals are granted for the new Bldg. X improvements.

7. Developer is allowed reduced setback of 20 feet on the EDA lot (Building F) for future development if needed. A separate Site and Building Plan application will be required before any approvals are granted for the new Bldg. F improvements.
8. The allowances to omit the standard: "*Drive-thru or service lanes shall be screened with berming, landscaping or fencing*" is not recommended and will remain intact.
9. Developer is allowed to have all new wall signs for the HOM store and retail addition comply with regular C-2 Zone sign standards under Ch. 34-Sign Code; and only one (1) new freestanding sign up to 350 sq. ft. along HWY 100 frontage, with enhanced architectural designed materials and elements that are complementary to the features of the existing Shingle Creek Crossing signs along Hwy 100. The final design and location of this new HWY 100 frontage sign shall be approved by the City. This freestanding sign may be 100% dynamic message board, or combination of static and dynamic. The Developer agrees to forgo any future freestanding sign allowance along County Road 10 (Bass Lake Road) frontage.
10. Developer must obtain a building permit and adhere to all requirements prior to beginning any removals, demolition, land disturbance work, or new construction of parking, utilities or buildings.
11. Unless amended otherwise or under separate agreement, all existing provisions, standards and variations provided under the 2011 Shingle Creek Crossing PUD and subsequent amendments, shall remain in effect for the entire Shingle Creek Crossing Planned Unit Development.
12. Any future PUD amendments or application requests will require the submittal and adoption (acceptance) of an updated master plan, which plan shall govern the planned and future redevelopment areas of this site.
13. No other allowances as illustrated or indicated on the submitted "Shingle Creek Crossing PUD Amendment No. 8 Plans shall be comprehended or permitted under this specific approval.
14. The Developer shall enter into and execute an updated PUD Agreement (or similar document) as prepared by the City Attorney.

RESOLUTION NO. 2017-25

February 13, 2017

Date

Tim Willson
Mayor

ATTEST: Sharal Knutson
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member April Graves and upon vote being taken thereon, the following voted in favor thereof: Tim Willson, Marquita Butler, April Graves, Kris Lawrence-Anderson, Dan Ryan and the following voted against the same: whereupon said resolution was declared duly passed and adopted.

Member April Graves introduced the following resolution and moved its adoption:

RESOLUTION NO. 2017-174

RESOLUTION REGARDING THE DISPOSITION OF PLANNING COMMISSION APPLICATION NO. 2017-007 SUBMITTED BY HOM FURNITURE INC. AND GATLIN DEVELOPMENT COMPANY FOR REVISIONS TO THE PLANNED UNIT DEVELOPMENT AMENDMENT NO. 8 TO THE 2011 SHINGLE CREEK CROSSING PLANNED UNIT DEVELOPMENT AND SITE AND BUILDING PLAN FOR HOM FURNITURE STORE (LOCATED AT 2501 COUNTY ROAD 10)

WHEREAS, the City Council of Brooklyn Center adopted Resolution No. 2017-25, dated February 13, 2017, established conditions for the approval of PUD Amendment No. 8 to the Shingle Creek Crossing Development and provided site & building plan approval for an expansion (two story – 24,622 sf. addition) and renovation of the Kohl’s building by HOM Furniture; and

WHEREAS, Planning Commission Application No. 2017-007 submitted by HOM Furniture, Inc. and Gatlin Development Company requested considerations to revisions to the General Development Plans of PUD Amendment No. 8 to address changes associated with storm water management improvements, flexibility in the design of commercial/office uses and building placements for Building Pad X and the EDA Parcel; and

WHEREAS, the Planning Commission conducted public hearing on the proposed revisions on September 14, 2017 and on October 26, 2017 and has provided their recommendation and findings that Planning Commission Application No. 2017-007 is in keeping with the overall intent and vision of the Shingle Creek Crossing Development and the PUD Amendment No. 8 approval provided by City Council Resolution No. 2017-25.

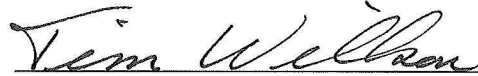
NOW, THEREFORE, BE IT RESOLVED by the City Council of Brooklyn Center, Minnesota that Planning Application N. 2017-007 submitted by HOM Furniture Inc. and Gatlin Development Company requesting approval of the following revisions to the Planned Unit Development Plans for the Shingle Creek Crossing PUD Amendment No 8 may be approved:

1. That the developer is allowed the flexibility in the future development of the of Building Pad Site X to include the following building sizes and uses, subject to compliance with the parking standards of the Shingle Creek Crossing PUD and Site & Building Plan approval:
 - a) A 20,000 sf. retail building (90 parking stalls required)
 - b) A 3 story, 32,800 sf medical center/office building (148 parking stalls)
 - c) A 5460 sf. restaurant and 9,795 sf. retail building (55 and 44 stalls respectively)
 - d) A 26,225 sf. retail building (119 parking stalls)

2. That the PUD Amendment No. 8 Plans are amended to illustrate the following:
 - a) The development of Pad Site X as a 3 story – 32,800 sf. medical center/office building.
 - b) The development of Parcel F, the EDA Parcel, as a 4300 sf bank.
 - c) The bio-infiltration basin and reconfiguration to the parking lot to meet the storm water improvements.
 - d) The addition of a drive thru lane on the north side of the former Kohl's building.
3. That the City Engineer has determined that the EDA parcel was part of the 2011 storm water improvements and will be allowed to develop independent of this installation of the bio-infiltration basin.
4. The Developer shall enter into and execute an updated PUD Agreement (or similar document) as prepared by the City Attorney.

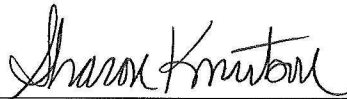
November 13, 2017

Date



Mayor

ATTEST:



City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member

Dan Ryan

and upon vote being taken thereon, the following voted in favor thereof:

Tim Willson, Marquita Butler, April Graves, Dan Ryan

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.